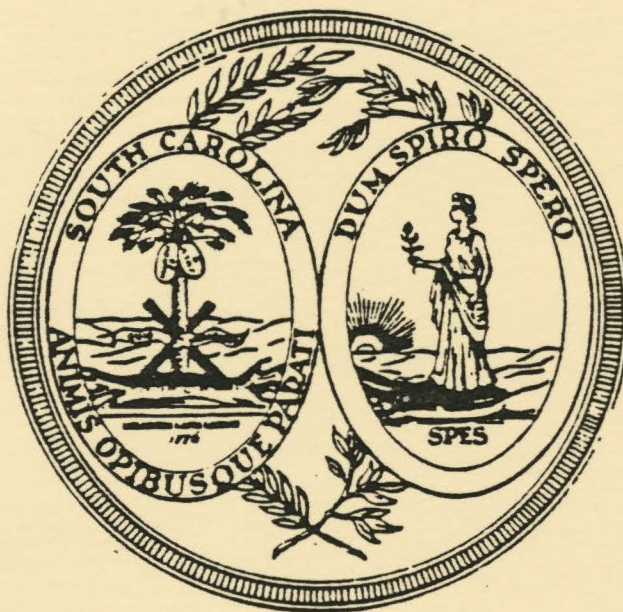


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# South Carolina General Assembly



## Legislative Audit Council



State of South Carolina  
General Assembly  
Legislative Audit Council  
Sunset Review of the  
Landscape Architects  
Board of Registration  
July 12, 1979

THE STATE OF SOUTH CAROLINA

GENERAL ASSEMBLY

LEGISLATIVE AUDIT COUNCIL

SUNSET REVIEW OF THE

LANDSCAPE ARCHITECTS

BOARD OF REGISTRATION

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## REPORT SUMMARY

In July 1978 the General Assembly passed Act 608 which has become known as the "Sunset Act." This Act abolishes specific boards and commissions as of predetermined dates and requires the Audit Council to review each board one year prior to its termination date. The Landscape Architects Board of Registration is scheduled to terminate on June 30, 1980. The Council has found that the Board of Registration does fulfill a public need through its regulation of landscape architects and should not be terminated. Federal statute and regulations require that a landscape architect be "permitted by law to practice the profession" in order to be eligible to render professional services on a Federal contract. Termination of the Board would have an adverse financial impact on South Carolina based landscape architects.

State regulation provides the general public and the Federal Government a means to identify qualified landscape architects. Land planners and designers protect the public and the environment through the careful consideration of human needs and utilization of natural resources. A registered landscape architect has achieved a demonstrated level of proficiency in the advanced techniques of site evaluation which ensure maximum attention to health and safety issues, as well as respect for nature and ecology.

The Council reviewed the Board's regulatory duties, functions, policies and procedures. Although the Board of Registration should not be terminated, there are areas in the licensing process and regulations where improvement is needed.

(1) Mandatory Professional Letters of Reference Not Needed

Five letters of reference are required of all applicants for registration. Three of these are to be from registered landscape architects who vouch for the applicant's character, loyalty, trustworthiness and competency. The Audit Council's analysis of the files revealed that many of these professional references did not always reflect an informed assessment of an applicant's personality, character or competence. In addition, these letters of reference allow licensed professionals to determine who takes the Uniform National Examination and may unfairly restrict entry into landscape architecture (see p. 10).

(2) Grading Process Needs Improvement

The Board of Registration has no formal policy concerning the grading of the Uniform National Examination (UNE). In 1978 the UNE was corrected by representatives from both the North and South Carolina Boards of Registration. In 1979, the exam was corrected solely by the South Carolina Board's Advisory Council and selected members of the profession. A grading procedure which uses only South Carolina landscape architects may provide the profession an opportunity to restrict entry into the marketplace and thus limit their own competition. A standardized grading process is needed to ensure each applicant receives objective, uniform consideration and evaluation (see p. 11).

The continuation of the Board of Registration and the regulation of landscape architects is needed for the protection of South Carolina's natural resources and for the safety and welfare of the general public.

The improvements identified by the Audit Council will help to assure this regulation is directed to and responsive of the needs of South Carolina and its citizens.

## INTRODUCTION

Act 608 of 1978 mandates the establishment of "...A System for the Review, Termination, Continuation or Reestablishment of State Agencies, Boards, Departments and Commissions." This is commonly referred to as "sunset" review. Under this section of the law the General Assembly of South Carolina finds that there has been a "substantial" growth in the number of governmental entities and that this process has occurred "...without sufficient legislative oversight, regulatory accountability or a system of checks and balances." Therefore, the General Assembly has set up a process for the "systematic review" of certain governmental entities so that it might be in "a better position to evaluate the need for their continuation, reorganization or termination." Section 6 of the Act lists 40 agencies, boards and commissions which are to be reviewed and sets termination dates for those entities.

Section 2 of Act 608 provides that twelve months prior to the termination date of an agency or board the Legislative Audit Council make a "review of the specific programs or functions administered by such agency or board." Within this review and evaluation the Audit Council is to address the following issues:

- (1) The amount of the increase or reduction of costs of goods and services caused by the administration of the programs or functions of the agency under review;
- (2) Economic, fiscal and other impacts that would occur in the absence of the administering of the programs or functions of the agency under review;
- (3) The overall cost, including manpower, of the agency under review;

- (4) The efficiency of the administration of the programs or functions of the agency under review;
- (5) The extent to which the agency under review has encouraged the participation of the public and, if applicable, the industry it regulates;
- (6) The extent to which the agency duplicates the services, functions and programs administered by any other State, Federal or other agency or entity;
- (7) The efficiency with which formal public complaints filed with the agency concerning persons or industries subject to the regulation and administration of the agency under review have been processed;
- (8) The extent to which the agency under review has complied with all applicable State, Federal and local statutes and regulations.

The South Carolina Landscape Architects Board of Registration is scheduled to terminate June 30, 1980 and accordingly was audited by the Council. The following audit and evaluation presents the Audit Council's findings concerning the issues addressed in the legislation along with recommendations on the termination, reorganization, and continuation/administration of the Board of Registration.

In conducting this review the Audit Council examined and analyzed all policies and procedures promulgated by the Board. All applicable files, records, memos, and Board minutes were reviewed along with pertinent publications and materials. Numerous interviews were held with Board Advisory Council members and staff. In addition, information was obtained from professional societies, Federal agencies and other states pertaining to the regulation of landscape architects. The following report is composed of three sections: (1) background and history, (2) issues and findings, and (3) a summary of the evaluation of the Sunset issues.



## BACKGROUND AND HISTORY

The profession of landscape architecture was not regulated in South Carolina until 1976. Act 698 of the General Assembly created a Board of Registration to administer the law and organize the licensing process. The Board of Registration is composed of five public members who also serve as the South Carolina Land Resources Conservation Commission. A five-member Advisory Council composed of landscape architects assists the Board of Registration in the identification of qualified applicants for professional licensure. The law restricts the use of the title "Landscape Architect" and limits the practice of landscape architecture to only those individuals licensed by the Board.

The Board of Registration currently licenses 237 landscape architects, 59 of whom permanently reside in South Carolina. Registration can be accomplished by one of three methods which consider variable factors such as education, experience, and out-of-state licensure. Most current registrants qualified under the "grandfather" clause, which enabled those practicing landscape architecture at the time the law took effect to secure a license. The Uniform National Examination of the Council of Landscape Architect Registration Boards is required of all applicants for registration except for those who qualify for reciprocity licensure. A corporation or partnership must have a Certificate of Authorization in order to render landscape architectural services so that professional responsibility for such work remains attached to a specific individual registrant.

The fundamental role of landscape architecture is to maintain the natural balance between the needs of man, ecology, the wise utilization

of land and aesthetic appreciation. Landscape architects analyze natural features such as climate, water supply, vegetation and the composition of the soil and the topography of the land and attempt to prevent erosion, sedimentation, flooding and pollution. They consult with architects and engineers to fit structures on the land and arrange them to make the best use of the existing environment including ventilation, sunlight, and scenery. Their work also involves the design and placement of roadways, walks, steps, fences, lights, plantings, street furniture, sprinkler systems, storm drainage systems, informative markers and signs, and other elements of a comprehensive environmental master plan. As a design professional, the landscape architect draws from an extensive background in the disciplines of drafting, architecture, surveying and mapping, planning, construction, engineering, contract and specification writing and all the natural and social sciences. In order to safeguard public welfare, health and property and to promote public good, 35 State Legislatures have enacted laws to provide regulation of the profession of landscape architecture. The public relies on the judgment and skill of registered landscape architects to provide land areas that are safe, usable, and pleasing to live with.

#### Registration Requirements, Examination and Fees

Currently in order for a person to become registered as a landscape architect, he or she must be of good moral character, a U. S. citizen, meet educational requirements or have five years of experience under a registered landscape architect, and pass the Uniform National Examination (UNE). The Board of Registration administers the UNE to qualified applicants each June using the facilities of Clemson University. The

UNE is prepared by the National Council of Landscape Architectural Registration Boards (NCLARB) whose membership is composed of each State Board that recognizes and contributes towards the content of the exam. The exam consists of both an objective section and a practical drawings section. The exam is given over a three-day period at a cost of \$75. Six individuals took the UNE in South Carolina when it was first offered by the Board of Registration in 1978. One individual passed both sections and received registration. Twenty-eight applications have been received for the June 1979 exam, the results of which are not yet available.

The law establishes fees charged by the Board as follows:

- (a) The application fee for examination shall be a minimum of sixty-five dollars and a maximum of one hundred dollars. (Currently the application fee is \$75.)
- (b) The fee for an original certificate is thirty-five dollars.
- (c) The fee for a temporary certificate is thirty-five dollars.
- (d) The fee for a duplicate certificate is ten dollars.
- (e) The annual license fee is twenty-five dollars.

#### Budget and Staff

The Landscape Architects Board of Registration and the Landscape Architects Advisory Council are administered by the South Carolina Land Resources Conservation Commission. The Commission supplies secretarial support, prepares the annual budget and State-required reports, and coordinates activities within the jurisdiction of the Board. Neither the Board nor the Advisory Council's budget has any personal service funds.

The financial framework for the Board of Registration is outlined by Section 40-28-90 of the 1976 S. C. Code of Laws. The law directs all funds collected to be deposited with the State Treasurer and all funds expended to be approved by the Comptroller General. For the two-year period ending June 30, 1978, the Board of Registration collected over \$16,400 in fees and spent \$9,300. A detailed analysis of the Board's finances is shown in Table 1.

TABLE 1  
LANDSCAPE ARCHITECTS BOARD OF REGISTRATION  
FINANCIAL ANALYSIS FY 76-77 AND FY 77-78

	<u>FY 76-77</u>	<u>FY 77-78</u>
Revenues:		
Net Fees Collected	<u>\$3,640.00</u>	<u>\$12,765.00</u>
TOTAL REVENUE	<u>\$3,640.00</u>	<u>\$12,765.00</u>
Expenses:		
Per Diem	\$ 375.00	\$ 1,315.00
Travel	312.00	1,927.81
Printing/Advertising	239.91	636.78
Professional Fees	57.38	215.36
Office Supplies	505.74	508.18
Other Supplies	126.51	527.46
Dues	100.00	300.00
Office Equipment	-	288.95
*Payroll	-	1,840.44
*Employer Contribution	-	51.68
TOTAL EXPENDITURES	<u>\$1,716.54</u>	<u>\$ 7,611.86</u>

\*This expense was for a part-time temporary clerk to assist in the processing of "grandfather clause" applicants.

Note: Excess fee revenue is returned to the General Fund at year end.

## ISSUES AND FINDINGS

### Mandatory Professional Letters of Reference Not Needed

Board of Registration Regulation R74-2(B) requires each applicant for registration to submit five letters of reference. The regulation states "every application for registration shall be endorsed by five persons, of which three shall be persons actively registered as landscape architects." This means in order to be considered for registration, every applicant must secure the endorsement of three licensed landscape architects. The regulation further mandates "each endorser must vouch for the applicant's character, methods of practice, experience, and qualifications."

The Audit Council examined every letter of reference contained in Board files and found many were obtained from landscape architects who had no prior knowledge of the applicant and had no basis whatsoever to render an opinion. Several professional references were incomplete, with key questions unanswered concerning the applicant's competence, character, and past performance.

Letters of reference serve a useful purpose only when based on a factual personal assessment of an individual's background. The intent of the regulation is to provide the Board of Registration with an indication of the applicant's qualifications and personal demeanor. These references are often the only indication of the applicant's "good moral character," a requirement necessary for registration (see p. 15). Evaluations based solely on unacquainted professional references do not accurately reflect an individual's qualifications nor character.

The Board of Registration is charged with the duty to register qualified and competent landscape architects and relies on the complete and objective content of the letters of reference to formulate a basis for licensure. References obtained from licensed landscape architects without prior knowledge of the applicant are invalid and uninformative and may create a screening process whereby entry into landscape architecture practice is controlled by the profession. If these letters are necessary at all, they should be obtained from individuals qualified to render an informed opinion about the registration candidate.

#### RECOMMENDATION

THE BOARD SHOULD ELIMINATE THE THREE PROFESSIONAL REFERENCES REQUIREMENT PRIOR TO REGISTRATION. LETTERS OF REFERENCE, IF NECESSARY AT ALL, SHOULD BE SECURED FROM INDIVIDUALS IN AN INFORMED POSITION TO EVALUATE THE APPLICANT.

#### Grading Process Needs Improvement

The Board of Registration has no formal policy concerning the grading of the Uniform National Examination. The 1978 UNE was corrected by representatives from both the North Carolina and South Carolina Boards of Registration. In 1979, the exam was corrected solely by the Advisory Council to the Board with selected members of the profession.

The purpose of a standardized grading process is to ensure each applicant receives objective, uniform consideration and evaluation. The

National Council of Landscape Architectural Registration Boards recommends the use of one of the following methods of grading:

- (1) NCLARB has a complete grading service where State Boards can send the exam and drawings to be evaluated for a set fee;
- (2) Regional grading whereby states within the same national geographical area combine and grade as a group;
- (3) Contiguous state grading whereby two or more states in the same geographical area combine and grade together;
- (4) In-state grading whereby a state handles its own grading.

Because of the differences in design requirements, plant materials and natural conditions in the geographical regions of the United States, the grading process should incorporate local standards and needs as well as overall technical skills. In addition, it should maintain an applicant's anonymity without sacrificing fairness and high standards. Since registration as a landscape architect is dependent on the successful completion of the UNE, candidates deserve the integrity of a uniformly-applied grading procedure. Correction of the examination solely by South Carolina landscape architects may provide the profession with the opportunity to restrict entry into the marketplace and thus limit their own competition.

#### RECOMMENDATION

THE BOARD SHOULD ADOPT A STANDARD METHOD OF GRADING THE UNIFORM NATIONAL EXAMINATION. THE BOARD SHOULD INVESTIGATE AND ANALYZE ALTERNATIVES SUGGESTED BY NCLARB

AND ADOPT REGULATIONS TO GIVE THE BOARD  
AN EFFECTIVE, CONSISTENT, AND FAIR METHOD  
OF EXAMINATION EVALUATION.

State Registration Required for Federal Contracts

Public Law 92-582, known as the Brooks Act, "declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices." The U. S. General Services Administration has established specific selection procedures for the Federal procurement of architect-engineer services which include landscape architectural services. In order for a landscape architect to be eligible to render professional services on a Federal contract, he or she must be "permitted by law to practice the profession." State regulation provides the profession a legal sanction to practice and offers the Federal Government and the general public a means to identify qualified landscape architects.

Federal projects involving landscape architects in South Carolina have grown considerably over the past ten years. These multi-million dollar projects include national parks, military hospitals and schools, Federal office buildings and post offices, and several HUD master plans. Regulation of landscape architects in South Carolina enables local professionals to offer their services to the Federal Government and effectively enhances the economic and physical growth of the State.



### Grandfather Clause

The law requiring registration of landscape architects in South Carolina was enacted in 1976. At that time, the Board of Registration was given authority to waive the examination requirements to those who have had at least two years' experience in landscape architecture and who submitted evidence of professional competency. Applicants could qualify for this exemption, known as the grandfather clause, for a period of one year subsequent to the enactment of the law. The deadline for submitting all application materials for processing under the grandfather clause was December 5, 1977. The Board of Registration granted 249 licenses under this method.

Current applicants for registration must qualify under one of the following methods:

- (1) Graduation from an accredited landscape architectural curriculum and pass the Uniform National Exam.
- (2) Graduation from an accredited high school and have at least five years of varied landscape architectural experience under a registered landscape architect and pass the Uniform National Exam.
- (3) Reciprocity with another state's Board of Registration.

The purpose of a grandfather clause is to ensure competent individuals engaged in a profession prior to legislative control are able to continue without having to fulfill all the requirements of the new law. A potential problem may develop if the requirements for registration become too restrictive or severe thus enabling those qualifying under the grandfather clause to form a closed group. This closed group is then able to screen applicants for examination and licensure and may not act in the public interest.

The Audit Council found no evidence that the Landscape Architects Board of Registration is serving to foster or protect a closed group of professionals. However, since applicants can no longer qualify for registration under the grandfather clause, the Board must monitor and evaluate its requirements for registration to ensure adequate consideration is given to all applications. Furthermore, the Board should cooperate and communicate with the National Council of Landscape Architectural Registration Boards (NCLARB) which prepares the Uniform National Examination to review its content, complexity, and its effect on restricting entry into the profession.

#### Registration Prerequisites Unnecessary

The registration law for landscape architects requires certain prerequisites for licensure that are unnecessary and have no bearing on one's ability to successfully perform professional services. Specifically, applicants for licensure must submit evidence of good moral character and U. S. citizenship. Neither of these attributes measure skill, competency or ability in landscape architecture nor do they offer the public any indication of professional qualifications.

Interviews with Advisory Council members reveal that these requirements were similar to those contained in other registration laws and were apparently inserted in the law to be consistent. The duty of the Board of Registration is to extend licensure to individuals who submit evidence reflecting a minimal level of achievement in the practice of landscape architecture. It is not the role of the Board to define or enforce personal morality among its licensees, nor should the Board be concerned with citizenship status. U. S. citizenship is not required for

South Carolina licensure as an architect, engineer, contractor, or land surveyor. While the Board should continue to maintain and uphold high professional standards such as honesty and integrity for its licensees, subjective requirements such as "good moral character" and other vague terms should be replaced by more objective criteria.

The elimination of restrictive and unnecessary prerequisites for registration as a landscape architect will strengthen the job-related orientation of the qualification process. Proficiency in professional practice is the proper basis for licensure. Other criteria have no justifiable purpose in the protection of the public interest.

#### RECOMMENDATION

THE BOARD SHOULD ELIMINATE THE REQUIREMENT OF U. S. CITIZENSHIP AND "GOOD MORAL CHARACTER" SHOULD BE ELIMINATED OR DEFINED.

#### Continuing Professional Education Needed

Since its creation in 1976, the Board has not had time to consider the need for continuing professional education requirements. As new techniques are created, and as laws change and human needs evolve, it is essential that licensed landscape architects maintain their technical expertise and understand the responsibilities with which they are entrusted. All sectors of the general public expect and rely upon up-to-date and innovative design concepts that result in safe and attractive land areas which enhance the quality of life and increase the value of developed property.

Many State Boards of Registration have identified the need to create mechanisms for an ongoing professional development program and this will be the main topic of the 1979 NCLARB meeting. Both the American Society of Landscape Architects and the American Institute of Landscape Architects sponsor and encourage CPE programs. CPE programs are now available in South Carolina through the professional societies. Clemson University will begin a landscape architecture curriculum in the fall of 1979. As this program develops, opportunities for CPE will increase.

The purpose of Continuing Professional Education is to disseminate timely information and to provide a forum for the discussion of landscape architectural issues. Mandatory CPE will provide the Board of Registration a means to monitor and evaluate the progress of its registrants and will protect the public welfare by ensuring a minimal standard for continued competence in the field of landscape architecture.

#### RECOMMENDATION

THE BOARD SHOULD ANALYZE THE NEED FOR  
AND FEASIBILITY OF A PROGRAM OF CONTINUING  
PROFESSIONAL EDUCATION. THE PROGRAM  
SHOULD ADDRESS LOCAL NEEDS AS WELL AS NEW  
PROFESSIONAL RESPONSIBILITIES AND TECHNIQUES.

#### Professional Ethics

The Board of Registration is empowered "to adopt and promulgate a Code of Ethics which shall be binding upon all persons registered." The Code of Ethics prohibits licensees from encroaching upon the work

of other landscape architects and prohibits self-laudatory advertising and publicity. Other ethical responsibilities which include disclosure of personal financial interests in a project, avoidance of political gift-giving and fraudulent or dishonest conduct are activities detrimental to one's livelihood and reputation as a professional and it is doubtful that in the absence of a written Code of Ethics such activities would occur. Rules governing personal demeanor and professional etiquette are difficult to enforce and the Board of Registration has never held formal proceedings for ethical violations among its licensees. Regulation of professional courtesies and personal attributes is more appropriately the responsibility of a professional society or association.

#### Complaint Handling

The Board of Registration has not received any formal public complaints since it began operations in 1976. During the extended "grandfathering" period, several applicants for registration initiated questions concerning their disapproval. One applicant requested a formal hearing, but the situation was resolved with the Attorney General's assistance and no hearing was held. The Advisory Council is in the process of designing a complaint handling system which should settle complaints in an expedient yet thorough manner.

#### Public Participation

The Landscape Architects Board of Registration (S. C. Land Resources Conservation Commission) is composed of five members appointed from the general public by the Governor. This Board is responsible for all functions of the registration law including policymaking, licensure,

and enforcement. The Board appoints a five-member Advisory Council composed of licensed landscape architects who assist the Board with the administration of the law. The Advisory Council administers the Uniform National Examination, recommends to the Board qualified applicants for registration, recommends changes to policies, services, activities, and procedures, and generally serves as a liaison between the Board and all registered landscape architects. Scheduled Board of Registration and Advisory Council meetings are open to the public.

It has been the informal policy of the Board to have one of its members attend all Advisory Council meetings. This ensures a minimal amount of public representation in Advisory Council affairs and enhances communication between the Board and the Council. Continuation of this policy and other Board initiatives will increase the amount of public awareness and participation in the registration process.

#### RECOMMENDATION

THE BOARD OF REGISTRATION SHOULD FORMALIZE  
THE POLICY OF HAVING ONE OF ITS MEMBERS  
ATTEND ALL MEETINGS OF THE ADVISORY COUNCIL.

#### Conclusion

The Board of Registration performs a needed function in the regulation of landscape architects and should not be terminated. It is the responsibility of the State to protect the safety and welfare of its citizenry and to conserve natural resources and environmental quality. This is accomplished, in part, through competent land design professionals subject to adequate legislative control. The licensing process

offers the most comprehensive means of State regulation at the professional level. This regulation enables South Carolina landscape architects to submit proposals on Federal projects.

The Board of Registration has been generally responsive towards its regulatory responsibilities. However, some of the regulations it initiates and enforces are in need of revision in order to make the requirements less restrictive, but no less effective. Standardization of the grading system will ensure fair and equal consideration to all applicants for registration. Letters of reference should be obtained only from those individuals able to make a valid and objective assessment of the applicant for registration. Removal of non-job-related registration prerequisites such as good moral character and citizenship will establish proficiency in professional landscape architectural practice as the proper basis for licensure. The addition of a continuing professional education requirement will give the public a degree of assurance that registered landscape architects are continually striving to meet high standards and are using the acceptable techniques necessary for their work.

The continuation of the South Carolina Landscape Architects Board of Registration and the Advisory Council will, with modification, offer the public a liaison to the landscape architecture profession whose goals are to protect and assist the public and whose administration can create an environment in which landscape architects can serve and prosper.

## SUNSET ISSUES AND EVALUATION

Act 608 of 1978, known as the Sunset Law, contains a series of eight issues which must be addressed in the review of each agency. These requirements encompass the areas of efficiency and effectiveness which will ultimately determine the termination, continuation, or reestablishment of the agency and will also supply to the General Assembly an indication of the agency's public responsiveness and regulatory compliance. The issues and Audit Council's responses are presented in the following section.

DETERMINE THE AMOUNT OF THE INCREASE OR REDUCTION OF COSTS OF GOODS AND SERVICES CAUSED BY THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

Since the Board of Registration does not regulate fees charged by licensees for their services, it has no actual direct influence on consumer prices. The costs of regulation are included in the monetary amount paid for landscape architectural services, but it is doubtful that State control results in significantly higher prices to the public. There are costs to the landscape architect which include pre-examination education, examination and licensing fees, and office registration. The Audit Council found no measurable cost increases or reductions as a result of the administration of the landscape architects registration law.



WHAT ECONOMIC, FISCAL AND OTHER IMPACTS WOULD OCCUR IN THE ABSENCE OF THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY?

The absence of regulation over landscape architectural services would result in the loss of identifiable land design professionals whose environmental expertise and concern for human aesthetic values have made South Carolina a safe and pleasant place in which to live. Without control mechanisms such as State regulation, incompetent providers of landscape architectural services would endanger the public's health, safety, and welfare in three areas: improper land planning, faulty design, and inadequate consideration to environmental issues or human needs.

Skilled land planning involves the processes of site selection, conservation of natural resources, meeting client use requirements, project cost estimation and timing, site access, contours, and climate. Improper land planning could result in considerable financial loss to clients or to the general public in the case of tax-supported projects. Furthermore, incompatible uses for scarce land can result in severe waste, under-utilization of facilities and resources, excessive maintenance costs, or exposure to unsafe conditions or disease. Registration identifies those landscape architect professionals who are aware of their planning responsibilities and have studied the advanced techniques of site evaluation.

Registered landscape architects draw from an extensive background in the natural sciences and from the technical disciplines of architecture, design, and engineering. Application of fundamental techniques provide a basis for sound construction and project safety. Design concepts

must comply with local ordinances, building codes, and zoning laws which provide minimal public protection standards. As a prime contractor, a registered landscape architect has professional responsibilities and is personally liable for the integrity of his project. Without such registration, the consumer could not easily identify qualified and competent design experts.

A registered landscape architect has demonstrated his knowledge of environmental issues and his sensitivity towards human needs. The holistic approach of landscape architects fills the void between architects and civil engineers and gives consideration to the problems of erosion, sedimentation, drainage, lighting, traffic, parking, circulation, and the impacts on existing vegetation and animal life at the site. In addition, specific human needs are addressed such as comfort, convenience, privacy, safety, the requirements of the elderly and handicapped, aesthetic appreciation, design harmony and spaciousness which combine to create land areas both pleasing and useful to man. To disregard these needs and not incorporate them into design specifications would be a great public disservice and would surely have an adverse impact on the community and the environment.

In addition to the potential public detriments, landscape architects depend on State registration to qualify them to submit proposals for Federal projects. Federal Procurement Regulations, as amended by the 1972 Brooks Act, require providers of architectural, engineering, and related services (i.e., landscape architectural services) to be officially recognized practitioners in their professions and to have the authority by law to perform the services required by a comprehensive Federal contract (see p. 13). State registration identifies the qualifications of

those submitting proposals and provides the Federal Government a basis upon which it can judge the adequacy and competence of individual bidders. To deny State registration would be to deny the livelihoods of resident landscape architects by restricting contractual authority with Federal and many local governments.

DETERMINE THE OVERALL COST, INCLUDING MANPOWER, OF THE AGENCY UNDER REVIEW.

In FY 77-78, the Advisory Council to the Landscape Architects Board of Registration collected \$12,765 in fees and spent \$7,612. The Council uses no funds for personal service because its administrative support is provided by the South Carolina Land Resources Conservation Commission. During the extended "grandfathering" process, the Council obtained part-time assistance which accounted for \$1,840 (14%) of its FY 77-78 expenses. A detailed analysis of sources and uses of funds for the two-year period ended June 30, 1978 is presented in Table 1 on page 9.

EVALUATE THE EFFICIENCY OF THE ADMINISTRATION OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The Audit Council's review of the office administration of the Board of Registration reveals compliance with applicable regulations as promulgated by the Comptroller General. There is no written procedures manual for the staff assistant to follow, but since the Board of Registration is relatively new, it is continually updating its policies and

procedures as situations arise. Guidelines recommended by NCLARB concerning testing procedures have been followed to assure validity, security, confidentiality, and anonymity in administering the Uniform National Exam. Analysis of the cost efficiency in the major expenditure areas revealed efficient utilization of resources despite the large volume of paperwork and staff hours required by the State financial management system for such a small agency. Recommendations made by the State Auditor in his June 30, 1977 management letter concerning the handling of cash receipts have been implemented by the Board of Registration.

DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS ENCOURAGED THE PARTICIPATION OF THE PUBLIC AND, IF APPLICABLE, THE INDUSTRY IT REGULATES.

Scheduled Board of Registration and Advisory Council meetings have not been attended by the general public, though the public is free to do so. The Board of Registration has attempted to get public input regarding their regulatory proposals and to inform the public of the Uniform National Examination dates through the placement of newspaper legal notices in major South Carolina cities.

The current Code of Laws of South Carolina 40-28-40 restricts Advisory Council membership to five registered landscape architects and the law makes no mention of public participation or of any public obligation. The inclusion of consumers on the Advisory Council is unnecessary because the Advisory Council is directly accountable to the Board of Registration composed entirely of public members (see p. 18).

DETERMINE THE EXTENT TO WHICH THE AGENCY DUPLICATES THE SERVICES, FUNCTIONS AND PROGRAMS ADMINISTERED BY ANY OTHER STATE, FEDERAL OR OTHER AGENCY OR ENTITY.

The South Carolina Landscape Architects Board of Registration was created in 1976 "to adopt and amend bylaws, rules of procedure, and regulations to administer and carry out the provisions of" Act 698 which provided a framework for the regulation and licensing of the profession of landscape architecture. Since the Board of Registration is also the South Carolina Land Resources Conservation Commission, the profession is in the unique and mutually beneficial position to coordinate and collaborate goals and address environmental concerns. Professional jurisdiction between architects, landscape architects, land surveyors and civil engineers may overlap at times since these other professions can perform landscape architectural work when such work is incidental to their practice. However, registration as a separate and distinct profession is essential for consumers to be able to identify qualified and competent landscape architects. No other regulatory body has the authority to govern landscape architecture and each state has independent authority over the profession. There is no Federal intervention except the requirements that landscape architects must observe when submitting proposals on Federal projects (see p. 13).

EVALUATE THE EFFICIENCY WITH WHICH FORMAL PUBLIC COMPLAINTS FILED WITH THE AGENCY CONCERNING PERSONS OR INDUSTRIES SUBJECT TO THE REGULATION AND ADMINISTRATION OF THE AGENCY UNDER REVIEW HAVE BEEN PROCESSED.

The Board of Registration has not received any formal public complaints since it began operations in 1976. The Advisory Council is in the process of designing a complaint handling system which should settle complaints in an expedient yet thorough manner (see p. 18).

DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS COMPLIED WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL STATUTES AND REGULATIONS.

The Landscape Architects Board of Registration is not subject to any Federal or local legislation and is limited only by State of South Carolina law. The Audit Council reviewed all applicable laws and regulations pertaining to the administration of the Board of Registration and attempted to verify their consistent and equitable application within the legislative intent. The Audit Council has determined the Board of Registration and Advisory Council to be in compliance with all appropriate statutes and regulations.

APPENDIX

APPENDIX 1



**STATE OF SOUTH CAROLINA  
LANDSCAPE ARCHITECTS BOARD OF REGISTRATION**

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July 6, 1979

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Mr. George L. Schroeder, Executive Director  
S. C. Legislative Audit Council  
Suite 500, Bankers Trust Tower  
Columbia, South Carolina 29201

Dear Mr. Schroeder:

Mr. Cary Chamblee, who represented the Landscape Architects Board of Registration at our exit conference on June 22, has informed me of the general content of the Audit Council's report. On the basis of his summary, I am in agreement with him that it is a most satisfactory report, and on behalf of the Board, I would like to thank the Legislative Audit Council for a very fair and accurate audit.

Inasmuch as the Landscape Architects Board of Registration has only existed since July 1976, we acknowledge that there are certain areas of administration needing refinement. We intend to review each comment in this report carefully, and initiate whatever changes necessary to best serve the interests of the State of South Carolina and its citizens.

Sincerely yours,

*David L. Allen*

David L. Allen  
Chairman

DLA:bs

CC: R. Lester Boles  
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